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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,579	12/21/2000	Jani Pirkola	617-009969-US(PAR)	2029

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EXAMINER	
D AGOSTA, STEPHEN M	

ART UNIT	PAPER NUMBER
2683	9

DATE MAILED: 12/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/745,579	PIRKOLA ET AL.	
	Examiner	Art Unit	
	Stephen M. D'Agosta	2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 December 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15, 17-21* is/are rejected.

7)☒ Claim(s) *16,22 and 23* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-8, 11-15 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Moon et al. US 6,433,801 and further in view of Gerpheide US 6,473,069 and Miyasato JP403048922 (hereafter Moon, Gerheide and Miyasato).

As per **claims 1 and 14**, Moon teaches a handheld communication device (absract) comprising;

A display (figure 1, #30), said display in use have a plurality of different active regions, at least one function being selectable via each active region (see figures 3-13; and

A touch sensitive region (abstract teaches touch screen)

But is silent on said touch sensitive region being arranged so that movement with respect to the touch sensitive region causes an indicator to move across said display

Wherein said indicator is arranged to move only from one active region to another.

The examiner notes that Moon does teach a "cursor button" that would activate a cursor to appear on the screen for movement by either finger or mouse (figure 4, bottom right hand corner next to "mouse" icon).

Gerpheide teaches a touch sensitive surface (abstract) that is used to move an indicator/cursor across a display (figures 6a-6b and C1, L5-12).

Miyasato teaches predicting where a cursor is moving and skipping to an icon in the predicted area (which reads on moving only from one active region to another).

With further regard to claim 14, Moon teaches a Windows-based system that allows a user to select various functions when a selection step is performed (C5, L27-41).

It would have been obvious to one skilled in the art at the time of the invention to modify Moon, such that the cursor is moved by touch and only between active regions, to provide ease of use for the user to the system will predict where they are trying to move the cursor and quickly move it there.

As per **claims 2-3**, Moon teaches claim 1 wherein said touch sensitive region is arranged to detect movement of a user's finger/tool across the touch sensitive region (C6, L39-44).

As per **claims 4-5**, Moon teaches claim 1 wherein said touch sensitive region comprises a surface (figure 1, #30 and/or figures 3-13).

As per **claims 6-8**, Moon teaches claim 1 wherein said touch sensitive region comprises a rolling means (C1, L26-32 teaches a computer with mouse – as is known in the art, a laptop mouse can be a "trackball" controller which reads on rolling means. The trackball can move the cursor in any direction).

As per **claim 11**, Moon teaches claim 1 wherein said touch sensitive region is provided in conjunction with said display to provide a touch sensitive display (abstract teaches "touch screen display" and figures 1-13).

As per **claim 12**, Moon teaches claim 1 wherein said indicator is a cursor (page 6, L39-44).

As per **claim 13**, Moon teaches claim 1 wherein said device is a mobile phone (abstract).

As per **claims 15**, Moon teaches claim 1 **but is silent on** wherein a movement of the indicator in a direction of one of the active regions causes the indicator to automatically position itself within that active region.

Miyasato teaches predicting where a cursor is moving and skipping to an icon in the predicted area (which reads on automatic position within that active region).

It would have been obvious to one skilled in the art at the time of the invention to modify Moon, such that the indicator is automatically moved based on direction, to provide ease of use to the user by predicting where the cursor is moving and quickly moving it there.

As per **claim 20**, Moon teaches claim 14 **but is silent on** wherein the step of controlling further comprises moving the indicator in a direction of one active region on the display and wherein the indicator is automatically moved to the active region.

Miyasato teaches predicting where a cursor is moving and skipping to an icon in the predicted area (which reads on automatic position within that active region).

It would have been obvious to one skilled in the art at the time of the invention to modify Moon, such that the cursor moves to an active region based on direction, to provide ease of use to the user by predicting where the indicator is moving and quickly moving the cursor there.

Claims 9-10 rejected under 35 U.S.C. 103(a) as being unpatentable over Moon, Gerpheide and Miyasato and further in view of Frazer GB2299302 (hereafter Frazer).

As per **claims 9-10**, Moon teaches claim 1 **but is silent on** wherein said touch sensitive region is arranged on a first side of the device and said display is arranged on a second side.

Frazer teaches an electronic device with touch sensitive screen that faces the opposite way from the display screen (abstract and figures 1-2 and page 3, L8-21).

It would have been obvious to one skilled in the art at the time of the invention to modify Moon, such that the touch region and display are on different sides, to provide ease of use to the user.

Claims 17-19 and 21 rejected under 35 U.S.C. 103(a) as being unpatentable over Moon, Gerpheide, Miyasato and further in view of Robertson et al. US 5,598,183 (hereafter Robertson).

As per **claim 17-18**, Moon teaches claim 1 **but is silent on** wherein the indicator is initially displayed over one of the active regions of the display and can only be moved to another active region of the display AND wherein the indicator is automatically positioned on a function that is selectable.

Miyasato teaches predicting where a cursor is moving and skipping to an icon in the predicted area (which reads on automatic position within that active region).

Robertson teaches control of a computer cursor whereby the cursor is automatically positioned (abstract).

It would have been obvious to one skilled in the art at the time of the invention to modify Moon, such that the indicator only moves to active regions, to provide ease of use to the user by predicting where the cursor can move.

As per **claims 19 and 21**, Moon teaches claim 1 **but is silent on** wherein the display is adapted to only associate the indicator with one of the active regions on the display and not any position on the display therebetween.

Miyasato teaches predicting where a cursor is moving and skipping to an icon in the predicted area (which reads on automatic position within that active region).

Robertson teaches control of a computer cursor whereby the cursor is automatically positioned (abstract).

Since Robertson brings the cursor up on a selectable function AND Miyasato moves the cursor to only selectable ICONs, this reads on the claim since the cursor will not navigate anywhere else on the display.

It would have been obvious to one skilled in the art at the time of the invention to modify Moon, such that the cursor only moves to/from active regions, to provide ease of use to the user by predicting where the cursor can move and moving it there quickly.

Allowable Subject Matter

Claims 16 and 22-23 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Prior art cited does not disclose the indicator/cursor only being allowed to move in the direction of one of the active regions AND/OR not automatically repositioning itself from one active region if the indicator is moved in a direction not associated with one of the active regions of the display.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 703-306-5426. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

SMD
12-18-03

WILLIAM TROST
SUPERVISORY PATENT EXAMINER
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